

SENATE CS FOR CS FOR HOUSE BILL NO. 44(EDC)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SPECIAL SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered: 5/21/15

Referred: Finance

Sponsor(s): REPRESENTATIVES MILLETT, Herron, Muñoz, Josephson, Tarr, Gara, Foster, Drummond, Vazquez, Neuman, Tuck, Kito, Kawasaki, Gruenberg, Seaton, Olson, Claman

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a parent's right to direct the education of a child; relating to course**
2 **mastery requirements; relating to the duties of the Department of Education and Early**
3 **Development; prohibiting a school district from contracting with an abortion services**
4 **provider; relating to questionnaires administered in a public school; relating to the**
5 **duties of school districts; relating to training for school employees and mandatory**
6 **reporters of child abuse or neglect; relating to physical examinations for students;**
7 **relating to physical examinations for teachers; relating to sexual abuse and sexual**
8 **assault awareness and prevention efforts in public schools; relating to dating violence**
9 **and abuse awareness and prevention efforts in public schools; prohibiting a school**
10 **district from allowing an abortion services provider to furnish course materials or**
11 **provide instruction concerning sexuality or sexually transmitted diseases; relating to**
12 **national criminal history record check requirements for employees of child care**

1 facilities and residential child care facilities; and repealing the requirement for
 2 secondary students to take college and career readiness assessments."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
 5 to read:

6 SHORT TITLE. Section 16 of this Act may be known as the Alaska Safe Children's
 7 Act.

8 * **Sec. 2.** AS 14.03 is amended by adding a new section to read:

9 **Sec. 14.03.016. A parent's right to direct the education of the parent's**
 10 **child.** (a) A local school board shall, in consultation with parents, teachers, and school
 11 administrators, adopt policies to promote the involvement of parents in the school
 12 district's education program. The policies must include procedures

13 (1) recognizing the authority of a parent and allowing a parent to
 14 object to and withdraw the child from a standards-based assessment or test required by
 15 the state;

16 (2) recognizing the authority of a parent and allowing a parent to
 17 object to and withdraw the child from an activity, class, or program because of
 18 concern regarding

19 (A) content involving human reproduction or sexual matters;

20 (B) inquiries into personal or private family affairs of the
 21 student or family that are not a matter of public record or subject to public
 22 observation;

23 (3) providing for parent notification not less than two weeks, but not
 24 more than six weeks, before any activity, class, or program that includes content
 25 involving human reproduction or sexual matters is provided to a child and requiring
 26 written permission from the child's parent before the child may participate in the
 27 activity, class, or program;

28 (4) recognizing the authority of a parent and allowing a parent to
 29 withdraw the child from an activity, class, program, or standards-based assessment or
 30 test required by the state for a religious holiday, as defined by the parent;

(5) providing a parent with an opportunity to review the content of an activity, class, performance standard, or program;

(6) ensuring that, when a child is absent from an activity, class, program, or standards-based assessment or test required by the state under this section, the absence is not considered an unlawful absence under AS 14.30.020.

(b) The policies adopted under (a)(1), (2), and (4) - (6) of this section may not allow a parent categorically to object or withdraw a child from all activities, classes, programs, or standards-based assessments or tests required by the state. The policies must require a parent to object each time the parent wishes to withdraw the child from an activity, class, program, or standards-based assessment or test required by the state. The policies adopted under (a)(3) of this section must require written permission from the child's parent before each separate activity, class, or program is provided to a child that includes content involving human reproduction or sexual matters.

(c) In this section,

(1) "child" means an unemancipated minor under 18 years of age;

(2) "local school board" has the meaning given in AS 14.03.290;

(3) "parent" means the natural or adoptive parent of a child or a child's legal guardian;

(4) "school district" has the meaning given in AS 14.30.350.

* **Sec. 3.** AS 14.03.073(a) is amended to read:

(a) A school district shall provide the opportunity for students enrolled in **grades nine through 12** [A SECONDARY SCHOOL] in the district to challenge **one or more courses** [A COURSE] provided by the district by demonstrating mastery in mathematics, language arts, science, social studies, and world languages at the level of the course challenged. A school district shall give full credit for a course to a student who successfully challenges that course as provided under this section.

* **Sec. 4.** AS 14.03.073(b) is amended to read:

(b) A school district shall establish, within a reasonable time, an assessment tool and a standard for demonstrating mastery in [SECONDARY SCHOOL] courses provided **for students in grades nine through 12** by the district under this section. **This section does not require a school district to establish an assessment tool for**

every course in mathematics, language arts, science, social studies, and world languages that is offered to students in grades nine through 12 by the district.

* **Sec. 5.** AS 14.03.083 is amended by adding a new subsection to read:

(e) A school district and an educational services organization that has a contract with a school district may not contract with an abortion services provider.

* **Sec. 6.** AS 14.03.110(a) is amended to read:

(a) A school district, principal or other person in charge of a public school, or teacher in a public school may not administer or permit to be administered in a school a questionnaire or survey, whether anonymous or not [, THAT INQUIRES INTO PERSONAL OR PRIVATE FAMILY AFFAIRS OF THE STUDENT NOT A MATTER OF PUBLIC RECORD OR SUBJECT TO PUBLIC OBSERVATION] unless written permission is obtained from the student's parent or legal guardian.

* **Sec. 7.** AS 14.03.110(d) is amended to read:

(d) The school shall give a student's parent or guardian an opportunity to review the questionnaire or survey described under (b) or (c) of this section and shall give the parent or guardian written notice regarding

(1) how the questionnaire or survey will be administered to the student;

(2) how the results of the survey or questionnaire will be used; and

(3) who will have access to the questionnaire, [OR] survey, **or results.**

* **Sec. 8.** AS 14.08.111 is amended to read:

Sec. 14.08.111. Duties. A regional school board shall

(1) provide, during the school term of each year, an educational program for each school age child who is enrolled in or a resident of the district;

(2) develop a philosophy of education, principles, and goals for its schools;

(3) approve the employment of the professional administrators, teachers, and noncertificated personnel necessary to operate its schools;

(4) establish the salaries to be paid its employees;

(5) designate the employees authorized to direct disbursements from the school funds of the board;

- 1 (6) submit the reports prescribed for all school districts;
- 2 (7) provide for an annual audit in accordance with AS 14.14.050;
- 3 (8) provide custodial services and routine maintenance of school
- 4 buildings and facilities;
- 5 (9) establish procedures for the review and selection of all textbooks
- 6 and instructional materials, including textbooks and curriculum materials for statewide
- 7 correspondence programs, before they are introduced into the school curriculum; the
- 8 review includes a review for violations of AS 14.18.060; nothing in this paragraph
- 9 precludes a correspondence study student, or the parent or guardian of a
- 10 correspondence study student, from privately obtaining or using textbooks or
- 11 curriculum material not provided by the school district;
- 12 (10) provide prospective employees with information relating to the
- 13 availability and cost of housing in rural areas to which they might be assigned, and,
- 14 when possible, assist them in locating housing; however, nothing in this paragraph
- 15 requires a regional school board to provide teacher housing, whether owned, leased, or
- 16 rented or otherwise provided by the regional educational attendance area, nor does it
- 17 require the board to engage in a subsidy program of any kind with respect to teacher
- 18 housing; [AND]
- 19 (11) train persons required to report under AS 47.17.020, in the
- 20 recognition and reporting of child abuse, neglect, and sexual abuse of a minor; and
- 21 (12) establish procedures for providing the training under
- 22 AS 14.30.355 and 14.30.356 if the school board elects to provide the training
- 23 under those sections, and the training required under AS 14.18.060,
- 24 AS 14.20.149, 14.20.680, AS 14.33.100, 14.33.127, AS 18.66.310, and AS 47.17.022,
- 25 at least once every five years or at intervals set by the governing body of a school
- 26 to ensure that a sufficient number of school employees receive the training to
- 27 meet the needs of the school population; the training under this paragraph may
- 28 be provided on a staggered schedule.

29 * **Sec. 9.** AS 14.14.090 is amended to read:

30 **Sec. 14.14.090. Duties of school boards.** In addition to other duties, a school

31 board shall

1 (1) determine and disburse the total amount to be made available for
2 compensation of all school employees and administrative officers;

3 (2) provide for, during the school term of each year, an educational
4 program for each school age child who is enrolled in or a resident of the district;

5 (3) withhold the salary for the last month of service of a teacher or
6 administrator until the teacher or administrator has submitted all summaries, statistics,
7 and reports that the school board may require by bylaws;

8 (4) transmit, when required by the assembly or council but not more
9 often than once a month, a summary report and statement of money expended;

10 (5) keep the minutes of meetings and a record of all proceedings of the
11 school board in a pertinent form;

12 (6) keep the records and files of the school board open to inspection by
13 the public at the principal administrative office of the district during reasonable
14 business hours;

15 (7) establish procedures for the review and selection of all textbooks
16 and instructional materials, including textbooks and curriculum materials for statewide
17 correspondence programs, before they are introduced into the school curriculum; the
18 review includes a review for violations of AS 14.18.060; nothing in this paragraph
19 precludes a correspondence study student, or the parent or guardian of a
20 correspondence study student, from privately obtaining or using textbooks or
21 curriculum material not provided by the school district;

22 (8) provide prospective employees with information relating to the
23 availability and cost of housing in rural areas to which they might be assigned, and,
24 when possible, assist them in locating housing; however, nothing in this paragraph
25 requires a school district to provide teacher housing, whether district owned, leased,
26 rented, or through other means, nor does it require a school board to engage in a
27 subsidy program of any kind regarding teacher housing;

28 (9) train persons required to report under AS 47.17.020, in the
29 recognition and reporting of child abuse, neglect, and sexual abuse of a minor;

30 (10) provide for the development and implementation of a preventative
31 maintenance program for school facilities; in this paragraph, "preventative

1 maintenance" means scheduled maintenance actions that prevent the premature failure
 2 or extend the useful life of a facility, or a facility's systems and components, and that
 3 are cost-effective on a life-cycle basis;

4 (11) establish procedures for providing the training under
 5 AS 14.30.355 and 14.30.356 if the school board elects to provide the training
 6 under those sections, and the training required under AS 14.18.060,
 7 AS 14.20.149, 14.20.680, AS 14.33.100, 14.33.127, AS 18.66.310, and AS 47.17.022,
 8 at least once every five years or at intervals set by the governing body of a school
 9 to ensure that a sufficient number of school employees receive the training to
 10 meet the needs of the school population; the training under this paragraph may
 11 be provided on a staggered schedule.

12 * **Sec. 10.** AS 14.16.020 is amended to read:

13 **Sec. 14.16.020. Operation of state boarding schools.** In the management of
 14 state boarding schools, the board shall

- 15 (1) adopt a philosophy of education for state boarding schools;
- 16 (2) approve the employment of personnel necessary to operate state
 17 boarding schools;
- 18 (3) establish the salaries and benefits to be paid teachers, excluding
 19 administrators;
- 20 (4) designate the employees authorized to direct disbursements from
 21 the money appropriated for the operation of state boarding schools and for the
 22 construction of facilities;
- 23 (5) provide custodial services and routine maintenance of physical
 24 facilities;
- 25 (6) establish procedures for the development and implementation of
 26 curriculum and the selection and use of textbooks and instructional materials;
- 27 (7) prescribe health evaluation and placement screening programs for
 28 newly admitted students;
- 29 (8) establish procedures for staff evaluation; and
- 30 (9) establish procedures for providing the training under
 31 AS 14.30.355 and 14.30.356 if the board elects to provide the training under those

sections, and the training required under AS 14.18.060, AS 14.20.149, 14.20.680, AS 14.33.100, 14.33.127, AS 18.66.310, and AS 47.17.022, at least once every five years or at intervals set by the governing body of a school to ensure that a sufficient number of school employees receive the training to meet the needs of the school population; the training under this paragraph may be provided on a staggered schedule [PROVIDE STAFF TRAINING].

* **Sec. 11.** AS 14.18.060(b) is amended to read:

(b) The board shall establish by regulation standards for nondiscriminatory textbooks and educational materials. Each school board shall provide training for all its certificated personnel at intervals set by the governing body of a school to ensure that a sufficient number of certificated personnel receive the training to meet the needs of the school population in the identification and recognition of sex-biased materials.

* **Sec. 12.** AS 14.20.149(d) is amended to read:

(d) At least once every five years or at intervals set by the governing body of a school to ensure that a sufficient number of certificated employees receive the training to meet the needs of the school population, and within 45 days after the first day of employment for new certificated employees [ONCE EACH SCHOOL YEAR], a school district shall offer in-service training to the certificated employees who are subject to the evaluation system. The training must address the procedures of the evaluation system, the standards that the district uses in evaluating the performance of teachers and administrators, and other information that the district considers helpful.

* **Sec. 13.** AS 14.20.680(b) is amended to read:

(b) A newly hired teacher, administrator, counselor, or specialist who has not previously received the training required under (a) of this section shall receive the required training within 45 days after the first day the teacher, administrator, counselor, or specialist begins to work and, thereafter, at intervals set by the governing body of a school to ensure that a sufficient number of school employees receive the training to meet the needs of the school population.

* **Sec. 14.** AS 14.30.070(b) is amended to read:

(b) The Department of Health and Social Services may require the district to conduct [ADDITIONAL] physical examinations that it considers necessary, and may reimburse the district for the [ADDITIONAL] examinations on the basis and to the extent the commissioner of health and social services prescribes by regulation.

* **Sec. 15.** AS 14.30 is amended by adding a new section to read:

Sec. 14.30.075. Physical examinations for teachers. (a) A school district may require physical examinations of teachers as a condition of employment. A school district may not pay the cost of physical examinations for teachers. This section does not affect the coverage of any health insurance benefits that a school district provides to teachers.

(b) In this section, "school district" has the meaning given in AS 14.30.350.

* **Sec. 16.** AS 14.30 is amended by adding new sections to read:

Article 6A. Sexual Abuse and Sexual Assault Awareness and Prevention.

Sec. 14.30.355. Sexual abuse and sexual assault awareness and prevention.

(a) The governing body of each school district may adopt and implement a policy, establish a training program for employees and students, and provide parent, student, and staff notices relating to sexual abuse and sexual assault awareness and prevention for students enrolled in grades kindergarten through 12.

(b) The policy, training, and notices adopted under this section must include

- (1) age-appropriate information;
- (2) warning signs of sexual abuse of a child;
- (3) referral and resource information;
- (4) available student counseling and educational support;
- (5) methods for increasing teacher, student, and parent awareness of issues regarding sexual abuse of children;
- (6) actions that a child may take to prevent and report sexual abuse or sexual assault; and
- (7) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years of age or older.

(c) In this section, "school district" has the meaning given in AS 14.30.350.

Sec. 14.30.356. Dating violence and abuse policy, training, awareness, prevention, and notices. (a) The governing body of each school district may adopt and implement a policy, establish a training program for employees and students, and provide parent, student, and staff notices relating to dating violence and abuse in grades seven through 12. A training program adopted under this section must emphasize prevention and awareness.

(b) The policy, training, notices, and instruction adopted under this section must include

(1) age-appropriate information;

(2) information explaining that "dating violence and abuse" means a pattern of behavior in which one person threatens to use, or actually uses, physical, sexual, verbal, emotional, or psychological abuse to control the person's dating partner;

(3) the warning signs of dating violence and abusive behavior;

(4) characteristics of healthy relationships;

(5) measures to prevent and stop dating violence and abuse;

(6) community resources available to victims of dating violence and abuse; and

(7) a procedure allowing a student to be excused from participating in training or from receiving notices under this section at the written request of a parent or guardian of the student, or of the student if the student is emancipated or 18 years of age or older.

(c) In this section, "school district" has the meaning given in AS 14.30.350.

*** Sec. 17.** AS 14.30.360 is amended by adding a new subsection to read:

(c) A school district may not permit an abortion services provider or an employee or volunteer of an abortion services provider to offer, sponsor, furnish course materials, or provide instruction relating to human sexuality or sexually transmitted diseases.

*** Sec. 18.** AS 14.30.370 is amended to read:

Sec. 14.30.370. Evaluation. Health education programs conducted under

AS 14.30.360 shall be evaluated by the department in the same manner as other curriculum programs are evaluated, except that the evaluation shall also include changes in the health status of the pupils as determined by physical and dental examinations conducted under AS 14.30.070 [AND 14.30.120].

* **Sec. 19.** AS 14.33.100(d) is amended to read:

(d) Each district shall [ANNUALLY] provide to each district employee training in crisis response, including evacuation and lock down drills. **New district employees who have not previously received the training required under this subsection shall receive the required training within 45 days after the first day of employment and, thereafter, at intervals required by the governing body of a school to ensure that a sufficient number of district employees receive the training to meet the needs of the school population.**

* **Sec. 20.** AS 18.66.310(d) is amended to read:

(d) The continuing education required under (a) - (c) of this section must **be provided within 45 days after the first day of employment for new employees who have not previously received the training, and thereafter, at least once every five years, and must** include information on the following subjects:

- (1) the nature, extent, and causes of domestic violence;
- (2) procedures designed to promote the safety of the victim and other household members;
- (3) resources available to victims and perpetrators of domestic violence; and
- (4) the lethality of domestic violence.

* **Sec. 21.** AS 47.05.310 is amended by adding new subsections to read:

(j) An individual who possesses a valid teacher certificate issued under AS 14.20.015 - 14.20.025 and applies to work at a facility licensed or certified by the Department of Education and Early Development or who applies to work in a child care facility or residential child care facility in a position as a certificated teacher with supervised access may request that the individual's criminal justice information and national criminal history record check on file with the Department of Education and Early Development be used to satisfy the requirements of (d) and (e) of this section.

(k) In this section,

(1) "child care facility" has the meaning given in AS 47.25.095;

(2) "residential child care facility" has the meaning given in AS 47.32.900;

(3) "supervised access" means that a supervisor maintains a prudent level of awareness of the whereabouts of the individual for whom supervised access is required to ensure the protection of recipients of services.

* **Sec. 22.** AS 47.17.022(b) is amended to read:

(b) Each department of the state and school district that employs persons required to report abuse or neglect of children shall provide

(1) initial training required by this section to each new employee within 45 days after the first day [DURING THE EMPLOYEE'S FIRST SIX MONTHS] of employment, and to any existing employee who has not received equivalent training; and

(2) [AT LEAST ONCE EVERY FIVE YEARS,] appropriate in-service training at least once every five years thereafter, or at intervals required by the governing body of a school to ensure that a sufficient number of school employees receive the training to meet the needs of the school population [REQUIRED BY THIS SECTION AS DETERMINED BY THE DEPARTMENT OR SCHOOL DISTRICT].

* **Sec. 23.** AS 14.03.075(a), 14.03.075(b), 14.03.075(c), 14.03.075(e)(1); AS 14.07.165(a)(5), 14.07.165(b); AS 14.30.070(a), and 14.30.120 are repealed.